

Senate Bill 81

By: Senators Pearson of the 51st, Wiles of the 37th, Thomas of the 54th, Hawkins of the 49th, Schaefer of the 50th and others

**AS PASSED**

**AN ACT**

To amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, so as to allow surviving spouses of disabled veterans to continue to receive free disabled veterans plates; to specify that certain existing license plates shall not be subject to the special tag renewal fee; to provide for new revenue-sharing license plates; to provide for a new nonrevenue-sharing license plate; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

**SECTION 1.**

Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, is amended by adding a new paragraph (4) to subsection (c) of Code Section 40-2-69, relating to free license plates for disabled veterans, as follows:

"(4) In the event of the death of the person who received the special license plates pursuant to this Code section, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles, his or her surviving spouse may continue to receive the free special license plates and revalidation decals until the death of the surviving spouse."

**SECTION 2.**

Said article is further amended by revising subsection (e) of Code Section 40-2-85.1, relating to special and distinctive license plates for veterans, as follows:

"(e) Special license plates issued under this Code section, except as provided in subparagraph (a)(2)(A) of this Code section, shall be renewed annually with a revalidation decal as provided in Code Section 40-2-31 without payment of an additional \$25.00 annual

registration fee. It shall be a requirement that a county name decal shall be affixed and displayed on license plates issued under this Code section."

### **SECTION 3.**

Said article is further amended in Code Section 40-2-85.2, relating to special and distinctive license plates for veterans of the Chosin Reservoir Campaign of 1950, by revising subsection (e) as follows:

"(e) Special license plates issued under this Code section shall be renewed annually with a revalidation decal, as provided in Code Section 40-2-31, without payment of an additional \$25.00 annual registration fee. Special license plates issued under this Code section shall be transferred between vehicles as provided in Code Section 40-2-80."

### **SECTION 4.**

Said article is further amended in Code Section 40-2-86.21, relating to special license plates supporting beneficial projects, by revising subsections (a), (d), (e), (g), (h), (i), and (m) as follows:

"(a)(1) As used in this Code section, the term:

(A) 'Manufacturing fee' means a \$25.00 fee paid at the time a metal special license plate is issued.

(B) 'Special tag renewal fee' means a \$25.00 fee paid at the time a revalidation decal is issued for a special license plate.

(2) The General Assembly has determined that the issuance of special license plates to support an agency or fund or a program beneficial to the people of this state that is administered by a nonprofit corporation organized under Section 501(c)(3) of Title 26 of the Internal Revenue Code and dedicating a portion of the funds raised from the sale of these special license plates is in the best interests of the people of this state. Therefore, the special license plates listed in subsection(o) of this Code section shall be issued by the department beginning on July 1, 2007, if all of the requirements of subsections (b) through (k) of this Code section have been satisfied. The license plates listed in subsections (m) and (n) of this Code section shall continue to be issued so long as they meet the requirements of subsections (b), (c), (f), (g), (i), (j), and (k) of this Code section."

"(d) Beginning on January 1, 2007, any Georgia resident who is the owner of a motor vehicle, except a vehicle registered under the International Registration Plan, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles and upon the payment of the manufacturing fee and the special tag renewal fee in

addition to the regular motor vehicle registration fee shall be able to apply for a special license plate listed in subsection(o) of this Code section. Revalidation decals shall be issued for special license plates in the same manner as provided for general issue license plates.

(e) The manufacturing fee and the special tag renewal fee derived from the sale of special license plates listed in subsection(o) of this Code section shall be apportioned as follows: \$1.00 to the county tag agent, \$2.00 to the department, \$12.00 to be deposited into the general fund, and \$10.00 to be dedicated to the sponsoring agency, fund, or nonprofit corporation as permitted by Article III, Section IX, Paragraph VI(n) of the Constitution."

"(g) An applicant may request a special license plate any time during the applicant's registration period. If such a license plate is to replace a current valid license plate, the special license plate if issued under subsection (m) of this Code section shall be issued with appropriate decals attached upon payment of the manufacturing fee but without payment of the special tag renewal fee. However, special license plates issued under subsections (n) and (o) of this Code section shall be issued with appropriate decals attached upon payment of the manufacturing fee and the special tag renewal fee.

(h) No special license plate authorized pursuant to subsection(o) of this Code section shall be issued except upon the receipt by the department of at least 1,000 applications. The special license plate shall have an application period of two years after the date on which the application period becomes effective for payment of the manufacturing fee. After such time if the minimum number of applications is not met, the department shall not continue to accept the manufacturing fee, and all fees shall be refunded to applicants.

(i) The department shall not be required to continue to manufacture the special license plate if the number of active registrations falls below 500 registrations at any time during the period provided for in subsection (b) of Code Section 40-2-31. A current registrant may continue to renew such special license plate during his or her annual registration period upon payment of the special tag renewal fee, if applicable, which shall be collected by the county tag agent at the time of collection of other registration fees and shall be remitted to the state as provided in Code Section 40-2-34. The department may continue to issue such special license plates that it has in its inventory to assist in achieving the minimum number of registrations. If the special license plate falls below 500 active registrations at any time during the period provided for in subsection (b) of Code Section 40-2-31, the sponsoring agency, fund, or nonprofit corporation shall be required again to obtain 1,000 applications accompanied by the manufacturing fee to continue to manufacture the special license plate."

"(m)(1) The General Assembly has determined that the following existing special license plates supporting the agencies, funds, or nonprofit corporations listed in this subsection shall continue to be issued for the purposes indicated and that all of the funds raised from the manufacturing fee, less a \$1.00 fee to be paid to the county tag agent and a \$2.00 manufacturing fee to be paid to the department, shall be disbursed to the agency, fund, or nonprofit corporation indicated in this subsection. The special license plates listed in this subsection shall not be subject to a special tag renewal fee.

(2) Special license plates promoting the Nongame-Endangered Wildlife Program of the Georgia Department of Natural Resources. The funds raised by the sale of these special license plates shall be disbursed to the Nongame Wildlife Conservation and Wildlife Habitat Acquisition Fund of the Georgia Department of Natural Resources for the purposes enumerated in subsection (b) of Code Section 12-3-602. Such license plates shall not include a space for a county name decal but shall instead bear the legend 'Give Wildlife a Chance' in lieu of the name of the county of issuance.

(3) A special license plate promoting conservation and enhancement of trout populations. The funds raised by the sale of this special license plate shall be disbursed to the Wildlife Resources Division of the Department of Natural Resources to supplement trout restoration and management programs.

(4) A special license plate supporting the Bobwhite Quail Restoration Initiative. The funds raised by the sale of this special license plate shall be disbursed to the Wildlife Resources Division of the Department of Natural Resources to conduct programs designed to enhance the bobwhite quail population in this state. Such programs may include the creation of habitat demonstration areas on state managed wildlife lands, education programs, technical assistance to private landowners in the creation and maintenance of bobwhite quail habitats on their lands, and projects to encourage public support for the license plate and the activities it funds. The Department of Natural Resources may enter into such contractual agreements as may be appropriate to further the objectives of the Bobwhite Quail Restoration Initiative, including entering into contractual agreements whereby private landowners, public agencies, or corporate entities create, preserve, or enhance habitat for bobwhite quail in return for the payment of incentives. Such license plate shall not include a space for a county decal but shall instead bear the legend 'Support Wildlife' in lieu of the name of the county of issuance.

(n)(1) The General Assembly has determined that the following special license plates supporting the agencies, funds, or nonprofit corporations listed in this subsection shall be issued for the purposes indicated and that all of the funds raised from the manufacturing

fee and the special tag renewal fee, less a \$1.00 fee to be paid to the county tag agent and a \$2.00 manufacturing fee to be paid to the department, shall be disbursed to the agency, fund, or nonprofit corporation indicated in this subsection. The special license plates listed in this subsection shall be subject to a special tag renewal fee.

(2) A special license plate promoting the United States Disabled Athletes Fund, for the support of disabled athletes. The funds raised by the sale of this special license plate shall be disbursed to the United States Disabled Athletes Fund.

(3) A special license plate commemorating Civil War battlefields and historic sites. The funds raised by the sale of this special license plate shall be disbursed to the Civil War Commission for the acquisition of Civil War battlefields and associated Civil War historic sites in this state and for the maintenance, protection, and interpretation of the same as provided by Ga. L. 1993, p. 1952.

(4) A special license plate promoting historic preservation efforts. The funds raised by the sale of this special license plate shall be disbursed to the Department of Natural Resources for use by the Historic Preservation Division to fund historic preservation programs in the state through the Georgia historic preservation grant program as otherwise authorized by law.

(5) A special license plate promoting bicycle safety. The funds raised by the sale of this special license plate shall be disbursed to the Governor's Highway Safety Program administered by the Office of Highway Safety in the Department of Public Safety.

(6) A special license plate honoring families with a member serving in the military. The funds raised by the sale of this special license plate shall be disbursed to the Department of Veterans Service for use by the National Guard Foundation in carrying out such programs and purposes as may be contractually agreed upon by the department and the foundation.

(7) A special license plate promoting 'Support Georgia Troops.' The funds raised by the sale of this special license plate shall be disbursed to the Department of Veterans Service for use by the National Guard Foundation in carrying out such programs and purposes as may be contractually agreed upon by the department and the foundation.

(8) A special license plate promoting NASCAR. The provisions of paragraph (1) of this subsection notwithstanding, from the additional \$25.00 fee charged for the issuance and renewal of the NASCAR license plates authorized under this paragraph, \$10.25 shall be used by the department for purchasing plates from the supplier of the plates, as designated by NASCAR, and royalty costs, and \$14.75 shall be disbursed to the

Governor's Highway Safety Program administered by the Office of Highway Safety in the Department of Public Safety."

#### **SECTION 5.**

Said article is further amended in said Code section by redesignating existing subsection (n) as subsection (o).

#### **SECTION 6.**

Said article is further amended in said Code section by revising paragraph (15) of and adding paragraphs to subsection (o), as redesignated in Section 2 of this Act, as follows:

"(15) A special license plate for pediatric cancer research. The funds raised by the sale of this special license plate shall be disbursed to the Joanna McAfee Childhood Cancer Foundation for support of pediatric cancer research. The design of the special license plate provided for in this paragraph shall include the words 'Joanna McAfee Childhood Cancer Foundation' horizontally across the bottom of the plate in lieu of the county name."

"(32) A special license plate promoting the arts in Georgia. The funds raised by the sale of this special license plate shall be disbursed to the Georgia Council for the Arts.

(33) A special license plate supporting programs for the treatment of autism. The funds raised by the sale of this special license plate shall be disbursed to the Department of Human Resources for the support of programs for the treatment of autism in Georgia.

(34) A special license plate honoring the work of The Garden Club of Georgia, Inc. The funds raised by the sale of this special license plate shall be disbursed to The Garden Club of Georgia, Inc., and used to fund scholarships that are awarded by the club.

(35) A special license plate promoting the Georgia Junior Golf Foundation. The funds raised by the sale of this special license plate shall be disbursed to the Georgia Junior Golf Foundation.

(36) A special license plate commemorating 100 years of scouting in the United States. The funds raised by the sale of this special license plate shall be disbursed to the Boy Scouts of America for the development of scouting programs.

(37) A special license plate supporting Cobb County Public Schools. The funds raised by the sale of this special license plate shall be disbursed to the Cobb County Public Schools Educational Foundation and used to fund educational programs, grants to teachers, and scholarships in the Cobb County Public School System."

**SECTION 7.**

Said article is further amended in Code Section 40-2-86.22, relating to special license plates that send proceeds to the general fund, by adding new paragraphs (5) and (6) to subsection (1) as follows:

"(5) A special license plate honoring Georgia municipal clerks. The municipal clerk's office provides the professional link connecting citizens with their local governing bodies and agencies of government at other levels. The funds raised by the sale of this license plate shall be deposited in the general fund."

**SECTION 8.**

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

**SECTION 9.**

All laws and parts of laws in conflict with this Act are repealed.